

REMARKS

By way of summary, claims 18, 20, 22, 24, 28, 31, 32 and 36 have been amended and claim 37 has been canceled. Claims 1-17 were previously canceled. Accordingly, claims 18-36 are currently pending. No new matter has been added by way of this Amendment.

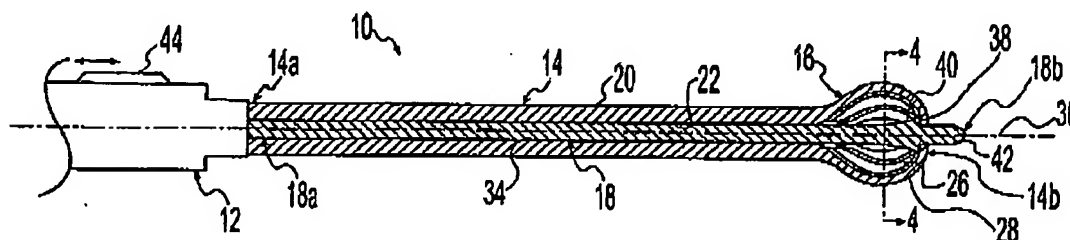
Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. More particularly, the specification fails to disclose an impeller. Applicant has replaced the word "impeller" in claim 32 with the term "flow receiving member," thereby rendering the objection moot. Support in the specification for the term "flow receiving member" can be found in, for example, paragraph [0043] of Applicant's published application (U.S. Publication No. 2007/0208370).

Rejection of Claims 18, 19, 22, 24, 26-28, 31, 33, 35 and 36 under 35 USC 102(e)

Claims 18, 19, 22, 24, 26-28, 31, 33, 35 and 36 stand rejected under 35 USC 102(e) as being anticipated by Poll (US Publication No. 2005/0059981).

As shown in the figure below, Poll discloses a surgical instrument comprising a collapsible basket (16) configured for capturing uretal stones and the like. More particularly, Poll teaches a surgical instrument which can be advanced toward a stone located within a lumen (e.g., urethra) or other cavity in a patient. After reaching the stone, the nose (42) of the instrument is used to fragment the stone and then the entire device is manipulated for capture the resulting particles in the collapsible basket (16).



To more clearly distinguish the claimed invention, independent claim 18 has been amended to recite an *implantable* vascular filter, comprising an expandable filter body having a *substantially conical shape*, the filter body configured to be *secured to an inner wall of a blood vessel*. Applicant has further amended claim 18 to recite that the vascular filter is *detachable from a delivery catheter* for implantation in the blood vessel.

In contrast to Applicant's amended claim 18, Poll does not disclose or suggest an implantable vascular filter. The basket (16) portion of the surgical instrument does not function as a vascular filter and is not implantable. Furthermore, there is no teaching in Poll of an expandable filter body having a substantially conical shape. Still further, there is no teaching in Poll of a filter body that is configured to be secured to an inner wall of a blood vessel. Finally, there is no teaching in Poll of a vascular filter that is detachable from a delivery catheter for implantation in a blood vessel.

Similarly, Applicant's independent claim 31 has been amended to recite an implantable device configured to capture and macerate emboli within a blood vessel, comprising an expandable filter body having *anchoring members for engaging an inner wall of a blood vessel*. Claim 31 also now recites that the filter body is *detachable from a delivery catheter for fixation in the blood vessel*.

In contrast to Applicant's amended claim 31, there is no teaching in Poll of an implantable device comprising an expandable filter having anchoring members for engaging an inner wall of a blood vessel. Furthermore, there is no teaching in Poll of a filter body that is detachable from a delivery catheter from fixation in a blood vessel.

Finally, Applicant's independent claim 36 has been amended to recite a device configured to improve blood flow through a blood vessel, comprising a filter body disposed along the distal end portion of an outer catheter, the filter body configured to capture and hold embolic particles. Claim 36 further recites an *aspiration catheter sized for slidable advancement over the outer catheter*, the aspiration catheter configured for drawing particles into the filter body. Claim 36 also now recites that the agitation member is advanceable relative to the filter body and *the filter body is configured to collapse into the aspiration catheter* for removing the captured particles from the blood vessel.

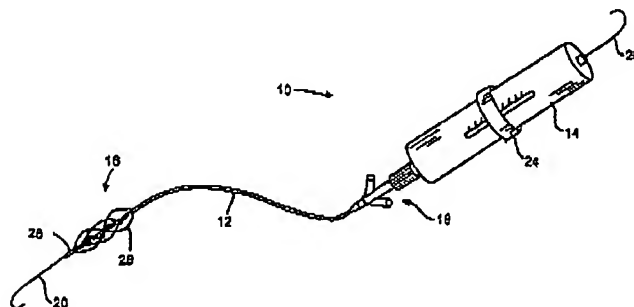
In contrast to amended claim 36, there is no teaching in Poll of an aspiration catheter sized for advancement over an outer catheter. Furthermore, Poll fails to disclose a filter body that is configured to collapse into an aspiration catheter for removing captured particles from a blood vessel.

Accordingly, Applicant respectfully submits that Poll fails to anticipate the claimed invention as recited in independent claims 18, 31 and 36. Dependent claims 19, 22, 24, 26-28, 33 and 35 recite additional features which further distinguish the claimed invention. Applicant notes that dependent claims 20, 22, 24 and 28 have been amended to more clearly recite some of the additional distinguishing features. In light of the forgoing amendments and related remarks, it is believed that all rejections under 35 USC §102(e) have been overcome.

Rejection of Claims 18-21, 23, 30-34, 36 and 37 under 35 USC §102(b)

Claims 18-21, 23, 30-34, 36 and 37 stand rejected under 35 USC §102(b) as being anticipated by Demarais et al. (U.S. Publication No. 2002/0151906).

As shown in the figure below, Demarais et al. is directed to a clot disruption catheter (12) that is introduced to a target body lumen for disrupting a thrombus, clot or other occlusive material.



The catheter disclosed by Demarais et al. has a distal section (16) which comprises an expandable cage (26) and a macerator which is located within the cage. In one embodiment, the catheter (12) permits the aspiration of fluids and materials through the lumen of the catheter.

Applicant has amended claim 18 to recite an *implantable* vascular filter, comprising an expandable filter body having a *substantially conical shape*, the filter body configured to be *secured to an inner wall of a blood vessel*. Applicant has further amended claim 1 to recite that the vascular filter is *detachable from a delivery catheter* for implantation in the blood vessel.

There is no teaching or suggestion in Demarais et al. regarding an implantable vascular filter having a filter body that is configured to be secured to an inner wall of a blood vessel. Demarais et al. also fails to teach or suggest a vascular filter that is detachable from a delivery catheter for implantation in the blood vessel.

Similarly, Applicant has amended claim 31 to recite an implantable device configured to capture and macerate emboli within a blood vessel, wherein the implantable device comprises an expandable filter body having *anchoring members for engaging an inner wall of a blood vessel*. Applicant has further amended claim 31 to recite that the filter body is *detachable from a delivery catheter* for fixation in the blood vessel.

There is no teaching or suggestion in Demarais et al. regarding an implantable device wherein the filter body comprises comprising an expandable filter body having anchoring member for engaging an inner wall of a blood vessel. Demarais et al. also fails to teach or suggest a vascular filter that is detachable from a delivery catheter for implantation in the blood vessel.

Finally, Applicant's independent claim 36 has been amended to recite a device configured to improve blood flow through a blood vessel, comprising a filter body disposed along the distal end portion of an outer catheter, the filter body configured to capture and hold embolic particles. Claim 36 further recites an *aspiration catheter sized for slidable advancement over the outer catheter*, the aspiration catheter configured for drawing particles into the filter body. Finally, claim 36 now recites that the agitation member is advanceable relative to the filter body and *the filter body is configured to collapse into the aspiration catheter* for removing the captured particles from the blood vessel.

There is no teaching or suggestion in Demarais et al. regarding a device which includes a filter body disposed along the distal end portion of an outer catheter and an aspiration catheter sized for slidable advancement over the outer catheter. Furthermore, there is no teaching or

suggestion in Demarais et al. regarding a filter body that is configured to collapse into the aspiration catheter for removing the captured particles from the blood vessel.

Applicant submits that the invention as recited in claim 36 is particularly advantageous as compared to prior art devices. For example, utilizing Applicant's device, the treatment area can be aspirated for only a short period of time. More specifically, aspiration need only occur long enough to draw the particles into the filter body. The captured particles are then removed from the body by collapsing the filter body into the lumen of the aspiration catheter and withdrawing the entire system from the patient. Accordingly, Applicant's claimed invention provides an important improvement over devices wherein substantially continuous aspiration is required for drawing the embolic particles all the way through an aspiration lumen and out of the body. The continuous aspiration required by prior art devices may result in the loss of a substantial amount of blood. In contrast, because the aspiration period is relatively short using the claimed invention, the amount of blood lost during the procedure is very small.

In summary, Applicant respectfully submits that Demarais et al. fails to anticipate the claimed invention as recited in independent claims 18, 31 and 36. Dependent claims 19-21, 23, 30 and 32-34 recite additional features which further distinguish the claimed invention. In light of the forgoing amendments and related remarks, it is believed that all rejections under 35 USC §102(b) have been overcome.

Fees Due to File This Amendment

Prior to the pending Office Action, a fee was paid for 20 claims, with 3 of them being independent claims. The aforementioned claim additions and cancellations have not resulted in more than the number of claims originally paid for, and **thus no claim fees are believed to be due to file this amendment.**

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Application Serial No.: 10/594,198
Amdt. dated October 9, 2008
Reply to Office Action of July 10, 2008

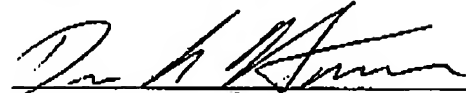
NO. 2520 P. 10

Conclusion

Should the Examiner have any remaining questions, the Examiner is encouraged to contact the attorney of record at the telephone number shown below.

Date: 10/9/08

Respectfully submitted,



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